

1 AN ACT concerning window guards and guard rails in  
2 commercial and residential buildings.

3 Be it enacted by the People of the State of Illinois,  
4 represented in the General Assembly:

5 Section 1. Short title. This Act may be cited as the  
6 Window Guard and Guard Rail Act.

7 Section 5. Public policy. The General Assembly finds  
8 that the public health and safety require the installation of  
9 guards on windows and other places in commercial and  
10 residential buildings to prevent persons from falling.

11 Section 10. Definition. In this Act, "Department" means  
12 the Department of Public Health.

13 Section 15. Guards required. Guards must be installed  
14 at every point of danger in a commercial or residential  
15 building to prevent persons from falling. As used in this  
16 Section, "point of danger" includes, without limitation, the  
17 following:

18 (1) The edge of every floor, balcony, mezzanine, or  
19 other space used or intended for human occupancy, if the  
20 edge is at a height of more than one foot above the  
21 floor, ground, or pavement directly below the edge.

22 (2) Every window or doorway that has a sill 3.5 feet  
23 or less above the floor of a room or space, unless the  
24 window or doorway opens directly on the ground or  
25 pavement or on a space protected by guards as required  
26 under this Section.

27 The guards required under this Section may be formed by  
28 walls, grills, or railings not less than 3.5 feet in height  
29 and must be installed in a manner approved by the Department.

1           The owner of a commercial or residential building or the  
2 owner's agent, but not a tenant of such a building if the  
3 tenant is not an owner of the building or an agent of the  
4 owner, is responsible for installing guards on windows where  
5 the window sill is less than 3.5 feet in height as described  
6 in item (2) of this Section.

7           Section 20. Violation; penalty; liability.

8           (a) A building owner or agent of an owner who knowingly  
9 fails to install guards as required in Section 15 or the  
10 rules implementing this Act commits a Class B misdemeanor.

11           (b) A building owner or agent of a building owner who  
12 knowingly fails to install guards as required in Section 15  
13 or the rules implementing this Act is strictly liable in tort  
14 for injuries resulting from that failure.

15           Section 25. Enforcement. The Department shall enforce  
16 this Act.

17           Section 30. Rules. The Department shall adopt rules  
18 necessary to administer and enforce this Act.

19           Section 35. Home rule. A home rule unit may not regulate  
20 the installation of guards in commercial or residential  
21 buildings in a manner less restrictive than the regulation by  
22 the State of the installation of guards in commercial and  
23 residential buildings under this Act. This Section is a  
24 limitation under subsection (i) of Section 6 of Article VII  
25 of the Illinois Constitution on the concurrent exercise by  
26 home rule units of powers and functions exercised by the  
27 State.